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SUPERFUND RECORDS

February 12, 1980

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Other: <u>NEPACCO</u>
<u>2-12-86</u>

0751

Mr. David A. Wagoner  
Director, Air and Hazardous Material Division  
United States Environmental Protection Agency  
Region VII  
324 East Eleventh Street  
Kansas City, Missouri 64106

Dear Mr. Wagoner:

This letter is in response to your inquiry of November 9, 1979, concerning information regarding the disposal by North Eastern Pharmaceutical and Chemical Co., Inc. (NEPACCO) of certain waste materials from their hexachlorophene production process.

As will be discussed further below, beginning on November 18, 1969, Hoffman-Taff, Inc. leased certain of its premises in Verona, Missouri to NEPACCO. Syntex Agribusiness, Inc. (Syntex) later succeeded to selected Hoffman-Taff assets and liabilities, including certain of the properties and rights which were the subjects of that lease. During the entire period of time when NEPACCO used the leased premises in their hexachlorophene production activities, from approximately April of 1970 to January of 1972, they maintained their own records concerning these activities. Because of the nature of this arrangement, Syntex did not have access to or succeed to possession of NEPACCO'S corporate records but, instead, only received certain limited information which it specifically needed and requested for the operation of the lease. For example, Syntex specifically requested and received the information concerning the number of batches of trichlorophenol processed by NEPACCO, which will be described in Item 3, below, only because Syntex needed that information under the lease to establish appropriate utility charges.

As you know, we already provided much documentation and information which is referred to in your November 9 letter during a lengthy meeting with EPA personnel, including members of your staff, on November 14, 1979. In that meeting we responded in detail, point by point, to each inquiry contained in your letter. Furthermore, we responded at that time to many additional, related and follow-up questions from your staff. In the interests of cooperation and expediting our response, we have tried not to duplicate or repeat that extensive information in this letter.

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During our meeting with your staff we also obtained some additional clarification and delimitation of the specific information about which you were inquiring. In this letter we focus on providing additional information which will be responsive to your inquiries, based on these clarifications. Nonetheless, our ability to respond with pertinent information is hindered by the fact that your request for documents is extremely broad and all encompassing, to the point of being somewhat unclear as to what, precisely, is being sought. Our ability to respond is also hindered by our inability to obtain a precise description of the anonymous allegations which form the basis of your requests. We have endeavored, with the guidance of comments from your staff, to select those materials in which you would be most interested. If we have not included some particular document which you feel would be helpful, please inform us.

In any event, in addition to the extensive material and information we have already submitted, we would like to offer the following supplemental information from the limited amount of relevant records in our possession:

1. Concerning your first inquiry, as you know, in our November 14 meeting we provided extensive information to your staff relating to the arrangements between NEPACCO and Syntex. During that meeting, your staff expressed a particular interest in receiving a copy of the lease under which NEPACCO obtained their control over the premises where their hexachlorophene production took place. Accordingly, we have enclosed, as Document 1, a copy of the lease dated November 18, 1969, between Hoffman-Taff, Inc. and NEPACCO. That lease provides in part, as follows:

"5. The premises are leased to the Lessee for the purpose of conducting therein the manufacture, production, sale and distribution of chemicals and chemical products and for no other purpose without the prior written consent of Lessor. Lessee's operation shall at all times be in conformity with all government statutes, ordinances, laws and regulations affecting the leased premises."

"9(e). All of Lessee's wastes which are not acceptable to Lessor shall be disposed of by Lessee at Lessee's sole cost and expense, and the disposition of such wastes shall be in such manner and at such place or places as will not contaminate the waters at or near Lessor's premises or the air around Lessor's premises nor be in violation of any law or regulation of any agency having or claiming jurisdiction."

"9(f). Trash Disposal: All trash occasioned by and resulting from Lessee's operations shall be disposed of by Lessee at Lessee's sole cost and expense."

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"10. Lessee shall comply with all ordinances, laws and regulations applicable to the demised premises and its use thereof, and will not use or permit any use of the demised premises in violation thereof. Lessee shall maintain and procure, at Lessee's own expense and responsibility, all licenses, permits or inspection certificates required by any governmental authority respecting Lessee's use of demised premises or the operation of Lessee's business therein. Lessee shall indemnify and hold Lessor harmless from and against any and all claims, liabilities, charges, penalties and all and any other expenses and damages attributable thereto and resulting from any act or omission of Lessee."

2. Concerning your second inquiry, Document 2, attached, is a copy of the flow sheet describing NEPACCO'S hexachlorophene production process, as proposed by them in approximately July of 1969. Document 3, attached, is a copy of the hexachlorophene plant major equipment flow sheet, as proposed by NEPACCO in approximately April of 1969. Finally, Document 4, also attached, represents NEPACCO'S proposed TCP Safety Procedure, dated March 16, 1970. As you know, TCP (trichlorophenol) is an intermediate used in the production of hexachlorophene.

3. Concerning your third inquiry, we responded to these questions, during our recent meeting with your staff, with such information as we have concerning the identity and quantities of NEPACCO wastes generated by their hexachlorophene production. For reasons discussed above, however, Syntex has only a very limited amount of information and records concerning NEPACCO'S hexachlorophene production. Also, as has been pointed out and as will be discussed further below, NEPACCO was responsible, under the lease, for properly disposing of its own wastes and trash, as well as maintaining its own records concerning these activities. We would like to add, however, that NEPACCO did report to Hoffman-Taff and later to Syntex the number of batches of trichlorophenol intermediate which were run during the period in question. NEPACCO reported this information in order to provide a basis to estimate its utility costs, which were required, under the lease, to be reimbursed to its Lessors. As you know, this trichlorophenol was purified in batches. The purified trichlorophenol was then used as an intermediate in the hexachlorophene production process. Based on the NEPACCO utility reports, they ran 328 trichlorophenol batches during the period when their hexachlorophene process was operating, between approximately April of 1970 and January of 1972.

Concerning your inquiry regarding "unplanned events," we are somewhat uncertain as to your meaning. There was a fire on the premises leased to NEPACCO on March 23, 1971, which halted their hexachlorophene production

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for a period of several weeks. This episode did not, however, to our knowledge, result in any "product becoming wastes", which is the focus of your inquiry. If you can provide us with a better indication of what kind of "events" you are concerned with, we will, perhaps, be better able to respond.

4. Concerning your fourth inquiry, in accordance with the lease provisions quoted above, NEPACCO'S disposal of its wastes and trash was its responsibility and was conducted at its cost and expense. The only waste accepted by Syntex from NEPACCO was a limited amount of sewage containing phenolics which was placed in a plastic-lined lagoon and treated by air oxidation and sunlight until it no longer contained phenolics. We have already provided your staff with some suggestions as to where NEPACCO may have elected to dispose of its other wastes, including the Neosho Waste Water School near Joplin, Missouri; Rollins Environmental in Baton Rouge, Louisiana, and the Aurora, Missouri landfill. We made these suggestions in an effort to be as helpful as possible. Again, however, we have no direct records to substantiate the use of these sites by NEPACCO, and have, instead, based these suggestions primarily on our recollections of conversations with NEPPACCO personnel and with other persons, including EPA personnel.

5. Concerning your fifth inquiry, see the response to inquiry number four, above. Also, attached as Document 5 is a copy of a list of certain equipment used in the hexachlorophene production process which equipment Syntex obtained from NEPACCO on January 8, 1973, after NEPACCO'S hexachlorophene production ceased. This equipment was cleaned by NEPACCO and then appropriately cleaned again by Syntex.

6. Concerning your inquiry number six, we have prepared a list of the NEPACCO employees of which we are aware. Document 6.

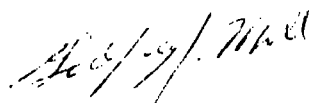
7. In your seventh inquiry, you ask how many trenches were in use on what is now Syntex property during the period from April of 1970 to January of 1972, when NEPACCO'S hexachlorophene production process was in operation. Our records show that two trenches were in use during the period in question, although neither was in use during the entire time; one of the trenches was closed in September of 1970 and the other in December of 1971. NEPACCO was never authorized to dispose of any of its wastes or trash, from the hexachlorophene process or any other process, in those trenches. The two trenches were dug and covered over by Roy Huellhorst, an independent contractor from Aurora, Missouri. The trenches were approximately 8 - 12' wide, 100 - 150' long and 8 - 12' deep. They were used by Hoffman-Taff and Syntex during this time period, for the disposal of such materials as propionate muds, choline salt carbon cakes, off-specification 50% choline, propionate carbon cakes, pre-mix overages and miscellaneous paper products.

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To be certain we avoid any confusion, we would also like to note the fact that, as you know, one or more additional trenches may also have been used on what is now Syntex property, but these were closed before NEPACCO'S hexachlorophene process began operation and before Hoffman-Taff, Inc. leased any of its premises to NEPACCO. These trenches were never used by Syntex and were closed before Syntex obtained any interest in Hoffman-Taff, Inc.

As we have discussed with members of your staff in several recent conversations, we have provided these materials in an effort to be helpful and to maintain an ongoing process of cooperation and communication with the Environmental Protection Agency concerning this matter. We look forward to opportunities to talk and meet further with you or members of your staff and to discuss any additional documents or information you may have an interest in obtaining.

Sincerely,



Godfrey J. Moll  
Vice-President and  
General Manager

cc: Renelle Rae, Esquire  
United States EPA  
Region VII  
324 East Eleventh Street  
Kansas City, Missouri 64106